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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 017309-0173

Applicant: Josef Otto RETTENMAIER
Title: ANCILLARY FILTERING AGENT
Appl. No.: 09/380,731
Filing Date: September 13, 1999
Examiner: Sun U. Kim
Art Unit: 1723

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1. 111

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated January 7, 2003 (Paper No. 28), issued in connection with the above-referenced patent application.

The amendments presented below are in compliance with the **revised amendment format** permitted in the Notice from the Office of Patent Legal Administration of the U.S. Patent and Trademark Office dated January 31, 2003. Thus, the provisions of 37 C.F.R. 1.121 are waived for amendments made to the claims in this response.

This response is being filed with a petition and fee for a one month extension of time. However, should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.

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INITIAL COMMENTS

In this response, the rejections are traversed in that the combination of the teachings of the art which is cited would not lead the hypothetical person of ordinary skill to the claimed subject matter. One outstanding shortcoming of the rejections is that they take the wood "dust" disclosed in German Patent DE 41 10 252 (GP '252) and convert it into cellulose for the purpose of rejecting claims which call for wood particles to remain as wood particles.

The necessary motivation which must flow from the teachings of the cited references and induce the hypothetical person of ordinary skill to consider the purportedly obvious transfer of teachings, is absent. All that is basically advanced in the Office Action is that cellulose is derived from wood. This is not a reason/motivation to consider a transfer of teachings.

Further, a reference which is acknowledged as being overcome by the declaration filed on 10/29/02, is cited against the claimed subject matter. While the text of this rejection makes it reasonably clear that it is GP '252 that is being applied, the record should be clarified in any subsequent action taken.

In light of the fact that claim 1 is not rendered unpatentable by the combination of art which is cited, claims 15-28 and 30, which currently stand withdrawn from consideration, have been amended to improve their form and syntax. Upon allowance of claim 1 from which these claims depend either directly or indirectly, it is requested that these claims also be allowed.

New claims are added. These claims set forth aspects of the invention that define over the cited combination of references, such as calling for the wood particles to remain as wood particles with a wood character, for example.